

# Senate Study Bill 1119

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON ZIEMAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to elections and voter registration by  
2 implementing requirements of federal law, modifying closing  
3 hours of the polls and voter identification requirements,  
4 transferring duties relating to conduct of elections and voter  
5 registration from the office of secretary of state to the Iowa  
6 ethics and campaign disclosure board, and making changes  
7 relating to absentee voting procedures, including request and  
8 delivery of absentee ballot applications, delivery of absentee  
9 ballots to the voter, and delivery of completed absentee  
10 ballots to the county commissioner of elections, and including  
11 effective date provisions.  
12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
13 TLSB 2590XC 80  
14 sc/cl/14

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1 1 DIVISION I  
1 2 PROVISIONS RELATING TO THE FEDERAL HELP AMERICA VOTE ACT  
1 3 AND MISCELLANEOUS VOTING PROVISIONS  
1 4 Section 1. Section 47.1, Code 2003, is amended by adding  
1 5 the following new unnumbered paragraph:  
1 6 NEW UNNUMBERED PARAGRAPH. The state commissioner shall  
1 7 adopt rules pursuant to chapter 17A, for the implementation of  
1 8 uniform and nondiscriminatory administrative complaint  
1 9 procedures for resolution of grievances relating to violations  
1 10 of Title III of Pub. L. No. 107=252.  
1 11 Sec. 2. Section 47.7, subsections 2, 3, and 4, Code 2003,  
1 12 are amended by striking the subsections and inserting in lieu  
1 13 thereof the following:  
1 14 2. a. On or before January 1, 2004, or on or before  
1 15 January 1, 2006, if a waiver is granted pursuant to section  
1 16 303(d) of Pub. L. No. 107=252, the state registrar of voters  
1 17 shall implement in a uniform and nondiscriminatory manner, a  
1 18 single, uniform, official, centralized, interactive  
1 19 computerized statewide voter registration file defined,  
1 20 maintained, and administered at the state level that contains  
1 21 the name and registration information of every legally  
1 22 registered voter in the state and assigns a unique identifier  
1 23 to each legally registered voter in the state. The state  
1 24 voter registration system shall be coordinated with other  
1 25 agency databases within the state, including, but not limited  
1 26 to, the department of transportation driver's license records,  
1 27 judicial records of convicted felons and persons declared  
1 28 incompetent to vote, and department of public health records  
1 29 of deceased persons.  
1 30 b. On or after the deadline established in paragraph "a",  
1 31 a county shall not establish or maintain a voter registration  
1 32 system separate from the state voter registration system.  
1 33 Each county shall provide to the state registrar the names,  
1 34 voter registration information, and voting history of each  
1 35 registered voter in the county in the form required by the  
2 1 state registrar.  
2 2 c. A state or local election official may obtain immediate  
2 3 electronic access to the information contained in the  
2 4 computerized voter registration file. All voter registration  
2 5 information obtained by a local election official shall be  
2 6 electronically entered into the computerized voter  
2 7 registration file on an expedited basis at the time the  
2 8 information is provided to the local election official. The  
2 9 state registrar shall provide such support as may be required  
2 10 to enable local election officials to electronically enter the  
2 11 information into the computerized voter registration file on  
2 12 an expedited basis. The list generated from the computerized  
2 13 file shall serve as the official voter registration list for

2 14 the conduct of all elections for federal office in the state.  
2 15 d. The state registrar shall prescribe by rule the  
2 16 procedures for access to the state voter registration file,  
2 17 security requirements, and access protocols for adding,  
2 18 changing, or deleting information from the state voter  
2 19 registration file.

2 20 Sec. 3. Section 48A.11, subsection 1, paragraph b, Code  
2 21 2003, is amended to read as follows:

2 22 b. The registrant's name, including first name and any  
2 23 family forename or surname.

2 24 Sec. 4. Section 48A.11, subsection 1, paragraph e, Code  
2 25 2003, is amended by striking the paragraph and inserting in  
2 26 lieu thereof, the following:

2 27 e. Iowa driver's license number, if the registrant has a  
2 28 current and valid Iowa driver's license, or the last four  
2 29 numerals of the registrant's social security number. If the  
2 30 registrant does not have either an Iowa driver's license  
2 31 number or a social security number, the form shall provide  
2 32 space for a number to be assigned as provided in subsection 7.

2 33 Sec. 5. Section 48A.11, subsection 1, paragraph f, Code  
2 34 2003, is amended to read as follows:

2 35 f. Date of birth, including month, date, and year.

3 1 Sec. 6. Section 48A.11, subsection 2, is amended by adding  
3 2 the following new paragraph:

3 3 NEW PARAGRAPH. c. The following questions and statement  
3 4 regarding eligibility:

3 5 (1) Are you a citizen of the United States of America?

3 6 (2) Will you be eighteen years of age on or before  
3 7 election day?

3 8 (3) If you checked "no" in response to either of these  
3 9 questions, do not complete this form.

3 10 Sec. 7. Section 48A.11, Code 2003, is amended by adding  
3 11 the following new subsection:

3 12 NEW SUBSECTION. 7. A voter registration application  
3 13 lacking the registrant's name, sex, date of birth, or  
3 14 residence address or description shall not be processed. If  
3 15 the registrant answered "no" or did not answer either "yes" or  
3 16 "no" to the question in subsection 2, paragraph "c",  
3 17 subparagraph (1), the application shall not be processed. A  
3 18 registrant whose registration is not processed pursuant to  
3 19 this subsection shall be notified pursuant to section 48A.26,  
3 20 subsection 3. A registrant who does not have either an Iowa  
3 21 driver's license number or a social security number and who  
3 22 notifies the registrar of such shall be assigned a unique  
3 23 identifying number that shall serve to identify the registrant  
3 24 for voter registration purposes.

3 25 Sec. 8. NEW SECTION. 48A.25A VERIFICATION OF VOTER  
3 26 REGISTRATION INFORMATION.

3 27 Upon receipt of an application for voter registration, the  
3 28 state registrar of voters shall compare the driver's license  
3 29 number or the last four numerals of the social security number  
3 30 provided by the registrant with the records of the state  
3 31 department of transportation. If the information cannot be  
3 32 verified, the application shall be rejected and the registrant  
3 33 shall be notified of the reason for the rejection. If the  
3 34 information can be verified, a record shall be made of the  
3 35 source used for verification and the application shall be  
4 1 accepted.

4 2 This section does not apply to persons entitled to register  
4 3 to vote and to vote pursuant to section 48A.5, subsection 4.

4 4 Sec. 9. Section 48A.26, subsection 3, Code 2003, is  
4 5 amended to read as follows:

4 6 3. If the registration form is missing required  
4 7 information pursuant to section 48A.11, subsection 7, the  
4 8 acknowledgment shall advise the applicant what additional  
4 9 information is required. The commissioner shall enclose a new  
4 10 registration by mail form for the applicant to use. If the  
4 11 registration form has no address, the commissioner shall make  
4 12 a reasonable effort to determine where the acknowledgment  
4 13 should be sent. If the incomplete application is received  
4 14 during the twelve days before the close of registration for an  
4 15 election, the commissioner shall provide the registrant with  
4 16 an opportunity to complete the form before the close of  
4 17 registration.

4 18 Sec. 10. Section 48A.28, subsection 2, unnumbered  
4 19 paragraph 2, Code 2003, is amended to read as follows:

4 20 A commissioner participating in the national change of  
4 21 address program, in the first quarter of each calendar year,  
4 22 shall send a notice and preaddressed, postage paid return card  
4 23 by forwardable mail to each registered voter whose name was  
4 24 not reported by the national change of address program and who

4 25 has not voted, in two or more consecutive general elections  
4 26 and has not registered again, or who has not reported a change  
4 27 to an existing registration, or who has not responded to a  
4 28 notice from the commissioner or registrar during the preceding  
4 29 four calendar years period between and following the previous  
4 30 two general elections. The form and language of the notice  
4 31 and return card shall be specified by the state voter  
4 32 registration commission by rule. A registered voter shall not  
4 33 be sent a notice and return card under this subsection more  
4 34 frequently than once in a four-year period.

4 35 Sec. 11. Section 48A.36, subsection 2, Code 2003, is  
5 1 amended to read as follows:

5 2 2. Upon receipt of electronic registration data under  
5 3 subsection 1, the state registrar of voters ~~may~~ shall cause  
5 4 the updating of registration records ~~for registrants in~~  
5 5 ~~counties which have arranged for data processing services~~  
5 6 ~~under section 47.7, subsection 2.~~ The registrar shall notify  
5 7 the appropriate commissioner of the actions taken.

5 8 Sec. 12. Section 48A.38, subsection 1, paragraph f, Code  
5 9 2003, is amended to read as follows:

5 10 f. The county commissioner of registration and the state  
5 11 registrar of voters shall remove a voter's social security  
5 12 number and driver's license number from a voter registration  
5 13 list prepared pursuant to this section.

5 14 Sec. 13. Section 49.44, unnumbered paragraph 2, Code 2003,  
5 15 is amended by striking the unnumbered paragraph.

5 16 Sec. 14. Section 49.68, Code 2003, is amended to read as  
5 17 follows:

5 18 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.

5 19 The state commissioner with the approval of the attorney  
5 20 general shall prepare, and from time to time revise, written  
5 21 instructions to the voters relative to voting, and shall  
5 22 furnish each commissioner with copies of the instructions.  
5 23 ~~Such One set of~~ instructions, which shall be known as  
5 24 instructions for marking ballots, shall cover the manner of  
5 25 marking ballots. Another set of instructions, which shall be  
5 26 known as the Iowa voter bill of rights, shall cover the  
5 27 following matters:

5 28 1. The manner of obtaining ballots.

5 29 ~~2. The manner of marking ballots.~~

5 30 ~~3. 2.~~ That unmarked or improperly marked ballots will not  
5 31 be counted.

5 32 ~~4. 3.~~ The method of gaining assistance in marking ballots.

5 33 ~~5. 4.~~ That any erasures or identification marks, or  
5 34 otherwise spoiling or defacing a ballot, will render it  
5 35 invalid.

6 1 ~~6. 5.~~ Not to vote a spoiled or defaced ballot.

6 2 ~~7. 6.~~ How to obtain a new ballot in place of a spoiled or  
6 3 defaced one.

6 4 7. How to cast a provisional ballot.

6 5 8. Instructions for first-time voters who registered by  
6 6 mail pursuant to section 48A.8.

6 7 9. The appropriate official to contact if the voter  
6 8 believes the voter's rights have been violated.

6 9 10. Polling place hours and the date of the election.

6 10 11. Information about federal and state laws prohibiting  
6 11 fraud and misrepresentation.

6 12 ~~8- 12.~~ Any other matters ~~thought~~ determined necessary.

6 13 Sec. 15. Section 49.70, Code 2003, is amended to read as  
6 14 follows:

6 15 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

6 16 The commissioner shall cause copies of ~~the foregoing~~ each  
6 17 set of instructions to be printed in large, clear type, under  
6 18 the ~~heading~~ headings of Iowa voter bill of rights and  
6 19 "Instructions instructions for Voters" marking ballots, and  
6 20 shall furnish the precinct election officials with a  
6 21 sufficient number of ~~such~~ each set of instructions as will  
6 22 enable them to comply with section 49.71.

6 23 Sec. 16. Section 49.71, Code 2003, is amended to read as  
6 24 follows:

6 25 49.71 POSTING INSTRUCTION CARDS AND SAMPLE BALLOTS.

6 26 The precinct election officials, before the opening of the  
6 27 polls, shall ~~cause said cards~~ securely post each set of  
6 28 instructions to be securely posted as follows:

6 29 1. One copy of instructions for marking ballots in each  
6 30 voting booth.

6 31 2. Not less than four copies of each set, with an equal  
6 32 number of sample ballots, in and about the polling place.

6 33 Sec. 17. Section 49.73, subsection 2, Code 2003, is  
6 34 amended to read as follows:

6 35 2. The commissioner shall not shorten voting hours for any

7 1 election if there is filed in the commissioner's office, at  
7 2 least twenty-five days before the election, a petition signed  
7 3 by at least fifty eligible electors of the school district or  
7 4 city, as the case may be, requesting that the polls be opened  
7 5 not later than seven o'clock a.m. All polling places where  
7 6 the candidates of or any public question submitted by any one  
7 7 political subdivision are being voted upon shall be opened at  
7 8 the same hour, except that this requirement shall not apply to  
7 9 merged areas established under chapter 260C. The hours at  
7 10 which the respective precinct polling places are to open shall  
7 11 not be changed after publication of the notice required by  
7 12 section 49.53. The polling places shall be closed at ~~nine~~  
~~7 13 o'clock eight p.m. for state primary and general elections and~~  
~~7 14 other partisan elections, and for any other election held~~  
~~7 15 concurrently therewith, and at eight o'clock p.m. for all~~  
7 16 other elections.

7 17 Sec. 18. Section 49.77, subsection 3, Code 2003, is  
7 18 amended by striking the subsection and inserting in lieu  
7 19 thereof the following:

7 20 3. A precinct election official shall require that each  
7 21 voter provide a current and valid identification card  
7 22 containing a photograph of the voter, or one of the following  
7 23 documents that show the name and current address of the voter:  
7 24 a. Utility bill.  
7 25 b. Bank statement.  
7 26 c. Government check.  
7 27 d. Other government document.

7 28 Sec. 19. Section 49.77, subsection 4, Code 2003, is  
7 29 amended to read as follows:

7 30 4. a. A person who presents identification required in  
~~7 31 subsection 3, and whose name does not appear on the election~~  
7 32 register of the precinct in which that person claims the right  
7 33 to vote shall not be permitted to vote, unless the person  
7 34 affirms that the person is currently registered in the county  
7 35 ~~and presents proof of identity, or the commissioner informs~~  
8 1 the precinct election officials that an error has occurred and  
8 2 that the person is a registered voter of that precinct. If  
8 3 the commissioner finds no record of the person's registration  
8 4 but the person insists that the person is a registered voter  
8 5 of that precinct, the precinct election officials shall allow  
8 6 the person to cast a ballot in the manner prescribed by  
8 7 section 49.81.

8 8 b. A person who does not present identification required  
~~8 9 in subsection 3 but whose name appears on the election~~  
8 10 register of the precinct in which that person claims the right  
8 11 to vote, or if the commissioner informs the precinct election  
8 12 officials that an error has occurred and the person is a  
8 13 registered voter of that precinct, shall be allowed to cast a  
8 14 ballot in the manner prescribed by section 49.81.

8 15 c. A person who has been sent an absentee ballot by mail  
8 16 but for any reason has not received it shall be permitted to  
8 17 cast a ballot in person pursuant to section 53.19 and in the  
8 18 manner prescribed by this section and section 49.81.

8 19 Sec. 20. Section 49.81, Code 2003, is amended to read as  
8 20 follows:

8 21 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST PROVISIONAL  
8 22 BALLOT.

8 23 1. A prospective voter ~~who is prohibited under described~~  
~~8 24 in section 49.77, subsection 4, or a prospective voter who is~~  
~~8 25 challenged under section 49.80 from voting except under this~~  
~~8 26 section~~ shall be permitted to cast a paper provisional ballot  
8 27 under this section. If a booth meeting the requirement of  
8 28 section 49.25 is not available at that polling place, the  
8 29 precinct election officials shall make alternative  
8 30 arrangements to insure the challenged voter the opportunity to  
8 31 vote in secret. The marked ballot, folded as required by  
8 32 section 49.84, shall be delivered to a precinct election  
8 33 official who shall immediately seal it in an envelope of the  
8 34 type prescribed by subsection 4. The sealed envelope shall be  
8 35 deposited in ~~a special an~~ envelope marked ~~"ballots for special~~  
~~9 1 precinct"~~ "provisional ballots" and shall be considered as  
9 2 having been cast in the special precinct established by  
9 3 section 53.20 for purposes of the postelection canvass.

9 4 2. Each person who casts a special provisional ballot  
9 5 under this section shall receive a printed statement in  
9 6 substantially the following form:

- 9 7 Your qualifications as a registered voter have been  
9 8 challenged for the following reasons:  
9 9 I. ....  
9 10 II. ....  
9 11 III. ....

9 12 Your right to vote will be reviewed by the special precinct  
9 13 counting board on ..... You have the right and are  
9 14 encouraged to make a written statement and submit additional  
9 15 written evidence to this board supporting your qualifications  
9 16 as a registered voter. This written statement and evidence  
9 17 may be given to an election official of this precinct on  
9 18 election day or mailed or delivered to the county commissioner  
9 19 of elections, but must be received before .... a.m./p.m. on  
9 20 ..... at ..... If your ballot is not counted you will  
9 21 receive, by mail, notification of this fact and the reason  
9 22 that the ballot was not counted.

9 23 3. Any elector may present written statements or  
9 24 documents, supporting or opposing the counting of any ~~special~~  
9 25 provisional ballot, to the precinct election officials on  
9 26 election day, until the hour for closing the polls. Any  
9 27 statements or documents so presented shall be delivered to the  
9 28 commissioner when the election supplies are returned.

9 29 4. The individual envelopes used for each ~~paper~~  
9 30 provisional ballot cast pursuant to subsection 1 shall have  
9 31 printed on them the format of the face of the registration  
9 32 form under section 48A.8 and the following:

9 33 I believe I am a registered voter of this precinct county  
9 34 and I am eligible to vote in this election. I registered to  
9 35 vote in ..... county on or about ..... at ..... My name  
10 1 at that time was ..... I have not moved to a different  
10 2 county since that time. I am a United States citizen, at  
10 3 least eighteen years of age.

10 4 .....  
10 5 (signature of voter) (date)

10 6 The following information is to be provided by the precinct  
10 7 election official:

10 8 Reason for challenge:

10 9 .....  
10 10 .....

10 11 .....  
10 12 (signature of precinct  
10 13 election official)

10 14 Sec. 21. Section 50.20, Code 2003, is amended to read as  
10 15 follows:

10 16 50.20 NOTICE OF NUMBER OF ~~SPECIAL~~ PROVISIONAL BALLOTS.

10 17 The commissioner shall compile a list of the number of  
10 18 ~~special provisional~~ ballots cast under section 49.81 in each  
10 19 precinct. The list shall be made available to the public as  
10 20 soon as possible, but in no case later than nine ~~o'clock~~ a.m.  
10 21 on the second day following the election. Any elector may  
10 22 examine the list during normal office hours, and may also  
10 23 examine the affidavit envelopes bearing the ballots of  
10 24 challenged electors until the reconvening of the special  
10 25 precinct board as required by this chapter. Only those  
10 26 persons so permitted by section 53.23, subsection 4, shall  
10 27 have access to the affidavits while that board is in session.  
10 28 Any elector may present written statements or documents,  
10 29 supporting or opposing the counting of any special ballot, at  
10 30 the commissioner's office until the reconvening of the special  
10 31 precinct board.

10 32 Sec. 22. Section 50.21, unnumbered paragraph 2, Code 2003,  
10 33 is amended to read as follows:

10 34 If no ~~special provisional~~ ballots were cast in the county  
10 35 pursuant to section 49.81 at any election, the special  
11 1 precinct election board need not be so reconvened. If the  
11 2 number of ~~special provisional~~ ballots ~~so~~ cast at any election  
11 3 is not sufficient to require reconvening of the entire  
11 4 election board of the special precinct, the commissioner may  
11 5 reconvene only the number of members required. If the number  
11 6 of ~~special provisional~~ ballots cast at any election exceeds  
11 7 the number of absentee ballots cast, the size of the special  
11 8 precinct election board may be increased at the commissioner's  
11 9 discretion. The commissioner shall observe the requirements  
11 10 of sections 49.12 and 49.13 in making adjustments to the size  
11 11 of the special precinct election board.

11 12 Sec. 23. Section 52.1, subsection 2, paragraph h, Code  
11 13 2003, is amended to read as follows:

11 14 h. "Voting machine" means ~~a mechanical or an~~ an electronic  
11 15 device, meeting the requirements of section 52.7, designated  
11 16 for use in casting, registering, recording, and counting votes  
11 17 at an election.

11 18 Sec. 24. Section 52.2, Code 2003, is amended to read as  
11 19 follows:

11 20 52.2 PURCHASE.

11 21 The board of supervisors of any county may, by a majority  
11 22 vote, authorize, purchase, and order the use of either voting

11 23 machines or an electronic voting system in any one or more  
11 24 voting precincts within ~~said the~~ county until otherwise  
11 25 ordered by ~~said the~~ board of supervisors. Voting machines and  
11 26 an electronic voting system may be used concurrently at  
11 27 ~~different~~ precincts within any county, ~~but not at the same~~  
~~11 28 precinct.~~

11 29 The state commissioner may provide voting machines or  
11 30 electronic voting systems to a county to replace lever voting  
11 31 machines in use in the county in order to comply with Pub. L.  
11 32 No. 107=252, the Help America Vote Act of 2002.

11 33 Sec. 25. Section 52.9, unnumbered paragraph 4, Code 2003,  
11 34 is amended by striking the paragraph.

11 35 Sec. 26. Section 52.10, Code 2003, is amended to read as  
12 1 follows:

12 2 52.10 BALLOTS == FORM.

~~12 3 All ballots shall be printed in black ink on clear, white~~  
~~12 4 material, of such size as will fit the ballot frame, and~~  
12 5 presented in as plain, clear type as the space will reasonably  
12 6 permit. ~~The party name for each political party represented~~  
~~12 7 on the machine shall be prefixed to the list of candidates of~~  
~~12 8 such party. The order of the list of candidates of the~~  
~~12 9 several parties or organizations shall be arranged as provided~~  
~~12 10 in sections 49.30 to 49.42A, except that the lists may be~~  
~~12 11 arranged in horizontal rows or vertical columns to meet the~~  
~~12 12 physical requirements of the voting machine used. The~~  
~~12 13 offices, candidates, judges, and public measures to be voted~~  
~~12 14 upon, using the voting machine, shall be arranged as required~~  
~~12 15 by chapters 43 and 49.~~

12 16 Sec. 27. Section 52.12, Code 2003, is amended to read as  
12 17 follows:

12 18 52.12 EXCEPTION == STRAIGHT PARTY VOTING.

~~12 19 Voting machines shall have a single lever or switch voting~~  
~~12 20 target~~ which casts a vote for each candidate of a political  
12 21 party or nonparty political organization which has nominated  
12 22 candidates for more than one partisan office on the ballot.  
12 23 Straight party voting shall be provided for all general  
12 24 elections.

12 25 Sec. 28. Section 52.16, Code 2003, is amended to read as  
12 26 follows:

12 27 52.16 DUTIES OF ELECTION OFFICERS == ~~INDEPENDENT~~ BALLOTS.

~~12 28 The election board of each precinct in which votes are to~~  
~~12 29 be cast by machine shall meet at the precinct polling place,~~  
~~12 30 at least one hour before the time set for the opening of the~~  
~~12 31 polls at each election, and shall proceed to arrange the~~  
~~12 32 furniture, stationery, and voting machine for the conduct of~~  
~~12 33 the election. The board shall cause at least two instruction~~  
~~12 34 cards four sets of instructions to be posted conspicuously~~  
~~12 35 within the polling place. If not previously done, they shall~~  
~~13 1 arrange, in their proper place on the voting machine, the~~  
~~13 2 ballots containing the names of the offices to be filled at~~  
~~13 3 the election, and the names of the candidates nominated. If~~  
~~13 4 not previously done, the machine shall be so arranged as to~~  
~~13 5 show that no vote has been cast, and shall not be thereafter~~  
~~13 6 operated, except by electors in voting.~~

13 7 Before the polls are open for election, the board shall  
13 8 carefully examine every machine and see that no vote has been  
13 9 cast, ~~and the machines are subject to inspection of the~~  
~~13 10 election officers. If the voting machine is equipped to~~  
~~13 11 produce a printed record showing the status of the counters,~~  
~~13 12 this record shall be produced by the precinct election~~  
~~13 13 officials immediately~~ Immediately before the polls are open,  
~~13 14 the precinct election officials shall print a report from each~~  
~~13 15 machine showing that the counter is set at zero. The~~  
13 16 inspection sheets reports from each machine used in the  
13 17 election shall be available for examination throughout  
13 18 election day.

~~13 19 Ballots voted for any person whose name does not appear on~~  
~~13 20 the machine as a nominated candidate for office, are referred~~  
~~13 21 to in this section as independent ballots. When two or more~~  
~~13 22 persons are to be elected to the same office, and the machine~~  
~~13 23 requires that all independent ballots voted for that office be~~  
~~13 24 deposited in a single receptacle or device, an elector may~~  
~~13 25 vote in or by the receptacle or device for one or more persons~~  
~~13 26 whose names do not appear upon the machine with or without the~~  
~~13 27 names of one or more persons whose names do so appear. With~~  
~~13 28 that exception, and except for presidential electors, no~~  
~~13 29 independent ballot shall be voted for any person for any~~  
~~13 30 office whose name appears on the machine as a nominated~~  
~~13 31 candidate for that office; any independent ballot so voted~~  
~~13 32 shall not be counted. An independent ballot must be cast in~~  
~~13 33 its appropriate place on the machine, or it shall be void and~~

~~13 34 not counted.~~

13 35 Sec. 29. Section 52.17, Code 2003, is amended to read as  
14 1 follows:

14 2 52.17 VOTING MACHINE IN PLAIN VIEW.

14 3 The exterior of the voting machine and every part of the  
14 4 polling place shall be in plain view of the election officers.  
14 5 The voting machine shall be placed at least ~~three feet from~~  
~~14 6 every wall and partition of the polling place, and at least~~  
14 7 four feet from the precinct election officials' table.

14 8 Sec. 30. Section 52.20, Code 2003, is amended to read as  
14 9 follows:

14 10 52.20 INJURY TO MACHINE.

14 11 ~~No~~ A voter, or other person, shall not deface or injure the  
14 12 voting machine or the ballot thereon. It shall be the duty of  
14 13 the precinct election officials to enforce the provisions of  
14 14 this section. During the entire period of an election, at  
14 15 least one of ~~their number~~ the officials, designated by ~~them~~  
14 16 the officials from time to time, shall ~~be stationed beside the~~  
~~14 17 entrance to the booth and shall see that it is properly closed~~  
~~14 18 after a voter has entered it to vote. The official shall~~  
~~14 19 also,~~ at such intervals as the official may deem proper or  
14 20 necessary, examine the face of the machine to ascertain  
14 21 whether it has been defaced or injured, to detect the  
14 22 wrongdoer, and to repair any injury. If the official finds  
14 23 that a person has left the voting booth without casting the  
14 24 ballot, the official shall cast the ballot.

14 25 Sec. 31. Section 52.21, Code 2003, is amended by striking  
14 26 the section and inserting in lieu thereof the following:

14 27 52.21 CANVASS OF VOTE == TALLY.

14 28 As soon as the polls of the election are closed, the  
14 29 precinct election officials shall immediately lock the voting  
14 30 machine against voting and, in the presence of all persons who  
14 31 may be lawfully within the polling place, proceed to canvass  
14 32 the vote. The officials shall print the results from each  
14 33 machine, tally any write-in votes, and complete any canvass  
14 34 documents prescribed for the voting machine by the state  
14 35 commissioner. Write-in votes cast for a person whose name  
15 1 appears on the ballot as a candidate for that office shall not  
15 2 be counted.

15 3 Sec. 32. Section 52.23, unnumbered paragraph 2, Code 2003,  
15 4 is amended to read as follows:

15 5 The ~~inspection sheets~~ zero count report from each machine  
15 6 used in the election and one copy of the printed results from  
15 7 each machine shall be signed by all precinct election  
15 8 officials and, with any paper or papers upon which write-in  
15 9 votes were recorded by voters, shall be securely sealed in an  
15 10 envelope marked with the name and date of the election, the  
15 11 precinct, and the serial numbers of the machines from which  
15 12 the enclosed results were removed. This envelope shall be  
15 13 preserved, unopened, for twenty-two months following elections  
15 14 for federal offices and for six months following elections for  
15 15 all other offices unless a recount is requested pursuant to  
15 16 section 50.48 or an election contest is pending. The envelope  
15 17 shall be destroyed in the same manner as ballots pursuant to  
15 18 section 50.13. ~~Additional copies~~ At least one additional copy  
15 19 of the results, if any, shall be signed by the officials and  
15 20 delivered to the commissioner with the other supplies from the  
15 21 election pursuant to section 50.17.

15 22 Sec. 33. Section 52.25, unnumbered paragraph 2, Code 2003,  
15 23 is amended to read as follows:

15 24 The entire convention question, amendment or public measure  
15 25 shall be printed and displayed prominently in at least four  
15 26 places within the voting precinct, and inside each voting  
15 27 booth, ~~or on the left-hand side inside the curtain of each~~  
~~15 28 voting machine,~~ the printing to be in conformity with the  
15 29 provisions of chapter 49. The public measure shall be  
15 30 summarized by the commissioner and in the largest type  
15 31 possible printed on the special paper ballots or ~~inserts used~~  
15 32 in the voting machines, except that:

15 33 Sec. 34. Section 53.16, Code 2003, is amended to read as  
15 34 follows:

15 35 53.16 SUBSCRIBING TO AFFIDAVIT == REQUIRED IDENTIFICATION.

16 1 After marking the ballot, the voter shall make and  
16 2 subscribe to the affidavit on the reverse side of the  
16 3 envelope, and fold the ballot or ballots, separately, so as to  
16 4 conceal the markings on them, and deposit them, and a  
16 5 photocopy of the identification required in section 49.77,  
16 6 subsection 3, in the envelope, and securely seal the envelope.

16 7 Sec. 35. Section 53.31, Code 2003, is amended by adding  
16 8 the following new unnumbered paragraph:

16 9 NEW UNNUMBERED PARAGRAPH. If a voter votes an absentee

16 10 ballot by mail, or pursuant to section 53.10, 53.11, or 53.22,  
16 11 and does not include a photocopy of the identification  
16 12 required in section 49.77, subsection 3, the ballot returned  
16 13 by the voter shall be considered a provisional ballot pursuant  
16 14 to this section and section 49.81.

16 15 Sec. 36. NEW SECTION. 53.37A STATE COMMISSIONER DUTIES.

16 16 The state commissioner of elections shall provide  
16 17 information regarding voter registration procedures and  
16 18 absentee ballot procedures to be used by members of the armed  
16 19 forces of the United States. The state commissioner shall  
16 20 accept valid voter registration applications and absentee  
16 21 ballot applications and shall forward the applications to the  
16 22 appropriate county commissioner of elections in a timely  
16 23 manner.

16 24 Sec. 37. Section 53.40, unnumbered paragraph 1, Code 2003,  
16 25 is amended to read as follows:

16 26 A request in writing for a ballot may be made by any member  
16 27 of the armed forces of the United States who is or will be a  
16 28 qualified voter on the day of the election at which the ballot  
16 29 is to be cast, at any time before the election. Any member of  
16 30 the armed forces of the United States may request ballots for  
16 31 all elections to be held ~~within a calendar year through the~~

16 32 ~~next two general elections.~~ The request may be made by using  
16 33 the federal postcard application form and indicating that the  
16 34 applicant wishes to receive ballots for all elections as  
16 35 permitted by state law. The county commissioner shall send

17 1 the applicant a ballot for each election held ~~during the~~  
17 2 ~~calendar year in which~~ after the application is received and  
17 3 ~~through the next two general elections.~~ The commissioner

17 4 shall forward a copy of the absentee ballot request to other  
17 5 commissioners who are responsible under section 47.2,  
17 6 subsection 2, for conducting elections in which the applicant  
17 7 is eligible to vote.

17 8 Sec. 38. Section 53.53, Code 2003, is amended by adding  
17 9 the following new unnumbered paragraphs:

17 10 NEW UNNUMBERED PARAGRAPH. A federal write-in ballot  
17 11 received by the state commissioner of elections shall be  
17 12 forwarded immediately to the appropriate county commissioner.  
17 13 However, if the state commissioner receives a federal write-in  
17 14 ballot after election day and before noon on the Monday  
17 15 following an election, the state commissioner shall at once  
17 16 verify that the voter has complied with the requirements of  
17 17 this section and that the voter's federal write-in ballot is  
17 18 eligible to be counted. If the ballot is eligible to be  
17 19 counted, the state commissioner shall notify the appropriate  
17 20 county commissioner and make arrangements for the ballot to be  
17 21 transmitted to the county for counting. If the ballot is not  
17 22 eligible to be counted, the state commissioner shall mail the  
17 23 ballot to the appropriate commissioner along with notification  
17 24 that the ballot is ineligible to be counted. The county  
17 25 commissioner shall keep the ballot with the other records of  
17 26 the election.

17 27 NEW UNNUMBERED PARAGRAPH. The county commissioner shall  
17 28 notify a voter when the voter's federal write-in ballot was  
17 29 not counted and shall give the voter the reason the ballot was  
17 30 not counted.

17 31 Sec. 39. Sections 49.35, 52.11, 52.14, and 52.22, Code  
17 32 2003, are repealed.

17 33 Sec. 40. EFFECTIVE DATES.

17 34 1. The sections of this Act enacting new Code section  
17 35 48A.25A and amending Code sections 48A.26, 48A.36, 49.68,  
18 1 49.70, 49.71, and that portion of section 52.16 relating to  
18 2 voter instructions only, take effect January 1, 2004, or  
18 3 January 1, 2006, if a waiver is granted pursuant to section  
18 4 303(d) of Pub. L. No. 107-252.

18 5 2. The remainder of this Act, being deemed of immediate  
18 6 importance, takes effect upon enactment.

#### 18 7 DIVISION II

#### 18 8 TRANSFER OF ELECTION AND VOTER REGISTRATION DUTIES

18 9 Sec. 41. Section 34A.6, subsection 3, Code 2003, is  
18 10 amended to read as follows:

18 11 3. The ~~secretary of state commissioner of elections,~~ in  
18 12 consultation with the administrator, shall adopt rules for the  
18 13 conduct of joint E911 service referendums as required by and  
18 14 consistent with subsections 1 and 2.

18 15 Sec. 42. Section 42.4, subsection 8, paragraph b,  
18 16 subparagraph (1), subparagraph subdivision (b), unnumbered  
18 17 paragraph 2, Code 2003, is amended to read as follows:

18 18 The ~~secretary of state commissioner of elections~~ shall  
18 19 prescribe a form to be completed by all senators to declare  
18 20 their residences as of February 1, 2002. The form shall be

18 21 filed with the ~~secretary of state~~ commissioner of elections no  
18 22 later than five p.m. on February 1, 2002.

18 23 Sec. 43. Section 42.4, subsection 8, paragraph b,  
18 24 subparagraph (2), Code 2003, is amended to read as follows:

18 25 (2) Each even-numbered senatorial district to which  
18 26 subparagraph (1) of this paragraph is not applicable shall  
18 27 elect a senator in 2002 for a two-year term commencing in  
18 28 January 2003. However, if more than one incumbent state  
18 29 senator is residing in an even-numbered senatorial district on  
18 30 February 1, 2002, and, on or before February 15, 2002, all but  
18 31 one of the incumbent senators resigns from office effective no  
18 32 later than January 1, 2003, the remaining incumbent senator  
18 33 shall represent the district in the senate for the Eightieth  
18 34 General Assembly. A copy of the resignation must be filed in  
18 35 the office of the ~~secretary of state~~ commissioner of elections  
19 1 no later than five p.m. on February 15, 2002.

19 2 Sec. 44. Section 43.18, unnumbered paragraph 1, Code 2003,  
19 3 is amended to read as follows:

19 4 Each candidate shall complete and file a signed, notarized  
19 5 affidavit of candidacy. The affidavit shall be in the form  
19 6 prescribed by the ~~secretary of state~~ commissioner and shall  
19 7 include the following information:

19 8 Sec. 45. Section 43.63, Code 2003, is amended to read as  
19 9 follows:

19 10 43.63 CANVASS BY STATE BOARD.

19 11 Upon receipt of the abstracts of votes from the counties,  
19 12 the ~~secretary of state~~ commissioner shall immediately open the  
19 13 envelopes and canvass the results for all offices. The  
19 14 ~~secretary of state~~ commissioner shall invite to attend the  
19 15 canvass one representative from each political party which, at  
19 16 the last preceding general election, cast for its candidate  
19 17 for president of the United States or for governor, as the  
19 18 case may be, at least two percent of the total vote cast for  
19 19 all candidates for that office at that election, as determined  
19 20 by the ~~secretary of state~~ commissioner. The ~~secretary of~~  
19 21 commissioner shall notify the chairperson of each  
19 22 political party of the time of the canvass. However, the  
19 23 presence of a representative from a political party is not  
19 24 necessary for the canvass to proceed.

19 25 Not later than the twenty-seventh day after the primary  
19 26 election, the ~~secretary of state~~ commissioner shall present to  
19 27 the state board of canvassers abstracts showing the number of  
19 28 ballots cast by each political party for each office and a  
19 29 summary of the results for each office, showing the votes cast  
19 30 in each county. The state board of canvassers shall review  
19 31 the results compiled by the ~~secretary of state~~ commissioner  
19 32 and, if the results are accurately tabulated, the state board  
19 33 shall approve the canvass.

19 34 Sec. 46. Section 43.67, unnumbered paragraphs 1 and 2,  
19 35 Code 2003, are amended to read as follows:

20 1 Each candidate nominated pursuant to section 43.52 or 43.65  
20 2 is entitled to have the candidate's name printed on the  
20 3 official ballot to be voted at the general election without  
20 4 other certificate unless the candidate was nominated by write=  
20 5 in votes. Immediately after the completion of the canvass  
20 6 held under section 43.49, the county auditor shall notify each  
20 7 person who was nominated by write-in votes for a county or  
20 8 township office that the person is required to file an  
20 9 affidavit of candidacy if the person wishes to be a candidate  
20 10 for that office at the general election. Immediately after  
20 11 the completion of the canvass held under section 43.63, the  
20 12 ~~secretary of state~~ commissioner shall notify each person who  
20 13 was nominated by write-in votes for a state or federal office  
20 14 that the person is required to file an affidavit of candidacy  
20 15 if the person wishes to be a candidate for that office at the  
20 16 general election. If the affidavit is not filed by five p.m.  
20 17 on the seventh day after the completion of the canvass, that  
20 18 person's name shall not be placed upon the official general  
20 19 election ballot. The affidavit shall be signed by the  
20 20 candidate, notarized, and filed with the county auditor or the  
20 21 ~~secretary of state~~ commissioner, whichever is applicable.

20 22 The affidavit shall be in the form prescribed by the  
20 23 ~~secretary of state~~ commissioner. The affidavit shall include  
20 24 the following information:

20 25 Sec. 47. Section 44.3, subsection 2, unnumbered paragraph  
20 26 1, Code 2003, is amended to read as follows:

20 27 Each candidate nominated by the convention or caucus shall  
20 28 complete and file a signed, notarized affidavit of candidacy.  
20 29 The affidavit shall be in the form prescribed by the ~~secretary~~  
20 30 of state commissioner. The affidavit shall include the  
20 31 following information:

20 32 Sec. 48. Section 45.3, unnumbered paragraph 1, Code 2003,  
20 33 is amended to read as follows:

20 34 Each candidate shall complete and file a signed, notarized  
20 35 affidavit of candidacy. The affidavit shall be filed at the  
21 1 same time as the nomination petition. The affidavit shall be  
21 2 in the form prescribed by the ~~secretary of state~~ commissioner  
21 3 and shall include the following information:

21 4 Sec. 49. Section 47.1, unnumbered paragraphs 1 and 3, Code  
21 5 2003, are amended to read as follows:

21 6 The ~~secretary of state~~ executive director of the Iowa  
21 7 elections, ethics, and campaign disclosure board established  
21 8 in section 68B.32 is designated as the state commissioner of  
21 9 elections and shall supervise the activities of the county  
21 10 commissioners of elections. There is established within the  
21 11 office of the ~~secretary of state~~ Iowa elections, ethics, and  
21 12 campaign disclosure board a division of elections which shall  
21 13 be under the direction of the state commissioner of elections.  
21 14 The state commissioner of elections may appoint a person to be  
21 15 in charge of the division of elections who shall perform the  
21 16 duties assigned by the state commissioner of elections. The  
21 17 state commissioner of elections shall prescribe uniform  
21 18 election practices and procedures, shall prescribe the  
21 19 necessary forms required for the conduct of elections, shall  
21 20 assign a number to each proposed constitutional amendment and  
21 21 statewide public measure for identification purposes, and  
21 22 shall adopt rules, pursuant to chapter 17A, to carry out this  
21 23 section.

21 24 The ~~secretary of state~~ executive director of the Iowa  
21 25 elections, ethics, and campaign disclosure board is designated  
21 26 the chief state election official and is responsible for  
21 27 coordination of state responsibilities under the federal  
21 28 National Voter Registration Act of 1993.

21 29 Sec. 50. Section 48A.19, subsection 3, Code 2003, is  
21 30 amended to read as follows:

21 31 3. The voter registration agency shall provide voter  
21 32 registration services with each application for services or  
21 33 assistance and with each recertification, renewal, or change  
21 34 of address form completed relating to the agency's services.

21 35 The ~~secretary of state~~ registrar of voters shall adopt  
22 1 administrative rules in cooperation with voter registration  
22 2 agencies to carry out the requirements of this section.

22 3 Sec. 51. Section 48A.22, Code 2003, is amended to read as  
22 4 follows:

22 5 48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.

22 6 The ~~secretary of state~~ registrar of voters shall encourage  
22 7 volunteer organizations to undertake voter registration drives  
22 8 by providing registration forms.

22 9 Sec. 52. Section 49.67, unnumbered paragraph 2, Code 2003,  
22 10 is amended to read as follows:

22 11 If necessary, the commissioner or the commissioner's  
22 12 designee may make photocopies of official ballots to replace  
22 13 or replenish ballot supplies. The commissioner shall keep a  
22 14 record of the number of photocopied ballots made for each  
22 15 precinct, the name of the person who made the photocopies, and  
22 16 the date, time, and location at which the photocopies were  
22 17 made. These records shall be made on forms and following  
22 18 procedures prescribed by the ~~secretary of state~~ commissioner  
22 19 by administrative rule.

22 20 Sec. 53. Section 49.104, subsection 7, Code 2003, is  
22 21 amended to read as follows:

22 22 7. Any person authorized by the commissioner, in  
22 23 consultation with the ~~secretary of state~~ commissioner, for the  
22 24 purposes of conducting and attending educational voting  
22 25 programs for youth.

22 26 Sec. 54. Section 49A.8, Code 2003, is amended to read as  
22 27 follows:

22 28 49A.8 CANVASS == DECLARATION OF RESULT == RECORD.

22 29 The judges of election, county boards of canvassers, and  
22 30 other election officials shall canvass the vote on any  
22 31 constitutional amendment or public measure, and make return  
22 32 thereof, in the same manner as required by law for the canvass  
22 33 and return of the vote for public officers. The board of  
22 34 state canvassers shall canvass such returns, declare the  
22 35 result, and enter the same of record, immediately following  
23 1 and in connection with the proofs of publication of such  
23 2 amendment or measure, in the book kept for that purpose by the  
23 3 ~~secretary of state~~ commissioner of elections.

23 4 Upon completion of the canvass, the ~~secretary of state~~  
23 5 commissioner of elections shall certify to the Iowa Code  
23 6 editor the results of the election.

23 7 Sec. 55. Section 50.36, Code 2003, is amended to read as

23 8 follows:

23 9 50.36 ENVELOPES CONTAINING OTHER ABSTRACTS == CANVASS.

23 10 The ~~secretary of state~~ commissioner, upon receipt of the  
23 11 envelopes containing the abstracts of votes, shall open and  
23 12 canvass the abstracts for all offices except governor and  
23 13 lieutenant governor.

23 14 The ~~secretary of state~~ commissioner shall invite to attend  
23 15 the canvass one representative from each political party  
23 16 which, at the last preceding general election, cast for its  
23 17 candidate for president of the United States or for governor,  
23 18 as the case may be, at least two percent of the total vote  
23 19 cast for all candidates for that office at that election, as  
23 20 determined by the ~~secretary of state~~ commissioner. The  
23 21 ~~secretary of state~~ commissioner shall notify the chairperson  
23 22 of each political party of the time of the canvass. However,  
23 23 the presence of a representative from a political party is not  
23 24 necessary for the canvass to proceed.

23 25 Sec. 56. Section 50.37, Code 2003, is amended to read as  
23 26 follows:

23 27 50.37 STATE CANVASSING BOARD.

23 28 The executive council shall constitute a board of  
23 29 canvassers of all abstracts of votes required to be filed with  
23 30 the state commissioner, except for the offices of governor and  
23 31 lieutenant governor. Any clerical error found by the  
23 32 ~~secretary of state~~ commissioner or state board of canvassers  
23 33 shall be corrected by the county commissioner in a letter  
23 34 addressed to the state board of canvassers.

23 35 Sec. 57. Section 50.38, Code 2003, is amended to read as  
24 1 follows:

24 2 50.38 TIME OF STATE CANVASS.

24 3 Not later than twenty-seven days after the day of the  
24 4 election, the ~~secretary of state~~ commissioner shall present to  
24 5 the board of state canvassers abstracts of votes cast at the  
24 6 election showing the number of ballots cast for each office  
24 7 and a summary of the results for each office, showing the  
24 8 votes cast in each county. The state board of canvassers  
24 9 shall review the results compiled by the ~~secretary of state~~  
24 10 commissioner and, if the results are accurately tabulated, the  
24 11 state board shall approve the canvass.

24 12 Sec. 58. Section 54.5, unnumbered paragraph 5, Code 2003,  
24 13 is amended to read as follows:

24 14 If a candidate for the office of president or vice  
24 15 president of the United States withdraws, dies, or is  
24 16 otherwise removed from the ballot before the general election,  
24 17 another candidate may be substituted. The substitution shall  
24 18 be made by the state central committee of the political party  
24 19 or by the governing committee of the national party. If there  
24 20 are differences, the substitution made by the state central  
24 21 committee shall prevail. A nonparty political organization  
24 22 which has filed the names of party officers and central  
24 23 committee members with the ~~secretary of state~~ commissioner of  
24 24 elections before the close of the filing period for the  
24 25 general election pursuant to section 44.17 may also make  
24 26 substitutions. A substitution must be filed no later than  
24 27 seventy-four days before the election.

24 28 Sec. 59. Section 56.5, subsection 4, Code 2003, is amended  
24 29 to read as follows:

24 30 4. A list, by office and district, of all candidates who  
24 31 have filed an affidavit of candidacy in the office of the  
24 32 ~~secretary of state~~ commissioner shall be prepared by the  
24 33 ~~secretary of state~~ commissioner and delivered to the board not  
24 34 more than ten days after the last day for filing nomination  
24 35 papers.

25 1 Sec. 60. Section 59.1, unnumbered paragraphs 2 and 3, Code  
25 2 2003, are amended to read as follows:

25 3 A copy of the statement of notice of contest shall be filed  
25 4 with the ~~secretary of state~~ commissioner of elections within  
25 5 five days of service of the notice upon the incumbent. The  
25 6 ~~secretary of state~~ commissioner of elections shall notify the  
25 7 presiding officer of the house in which the contest will be  
25 8 tried.

25 9 A special election for a seat in either house of the  
25 10 general assembly may be contested. The contestant shall serve  
25 11 notice on the incumbent in the manner described in this  
25 12 section not later than twenty days after the state canvass of  
25 13 votes for the election. A copy of the notice shall also be  
25 14 filed with the presiding officer of the house in which the  
25 15 contest is to be tried, if the general assembly is in session.  
25 16 If the general assembly is not in session, a copy of the  
25 17 notice shall be filed with the ~~secretary of state~~ commissioner  
25 18 of elections. The ~~secretary of state~~ commissioner of

25 19 elections shall notify the presiding officer of the house in  
25 20 which the contest will be tried.

25 21 Sec. 61. Section 59.4, Code 2003, is amended to read as  
25 22 follows:

25 23 59.4 RETURN OF DEPOSITIONS.

25 24 A copy of the statement, and of the notice for taking  
25 25 depositions, with the service endorsed, and verified by  
25 26 affidavit if not served by an officer, shall be returned to  
25 27 the officer taking the depositions, and then, with the  
25 28 depositions, shall be sealed up and transmitted to the  
25 29 ~~secretary of state~~ commissioner of elections, with an  
25 30 endorsement thereon showing the nature of the papers, the  
25 31 names of the contesting parties, and the branch of the general  
25 32 assembly before whom the contest is to be tried.

25 33 Sec. 62. Section 59.7, Code 2003, is amended to read as  
25 34 follows:

25 35 59.7 NOTICE OF RESULT.

26 1 The presiding officer of the house in which the contest was  
26 2 tried shall certify to the ~~secretary of state~~ commissioner of  
26 3 elections the results of the contest.

26 4 Sec. 63. Section 60.2, Code 2003, is amended to read as  
26 5 follows:

26 6 60.2 CLERK.

26 7 The ~~secretary of state~~ commissioner of elections shall be  
26 8 the clerk of the court, or, in the ~~secretary of state's~~ state  
26 9 commissioner's absence or inability to act, the clerk of the  
26 10 supreme court.

26 11 Sec. 64. Section 60.3, Code 2003, is amended to read as  
26 12 follows:

26 13 60.3 OATH.

26 14 Each member of the court, before entering upon the  
26 15 discharge of the member's duties, shall take an oath before  
26 16 the ~~secretary of state~~ commissioner of elections, or some  
26 17 officer qualified to administer oaths, that the member will  
26 18 support the Constitution of the United States and that of the  
26 19 state of Iowa, and that, without fear, favor, affection, or  
26 20 hope of reward, the member will, to the best of the member's  
26 21 knowledge and ability, administer justice according to law and  
26 22 the facts in the case.

26 23 Sec. 65. Section 60.4, Code 2003, is amended to read as  
26 24 follows:

26 25 60.4 STATEMENT.

26 26 The contestant shall file the statement provided for in  
26 27 chapter 62 in the office of the ~~secretary of state~~  
26 28 commissioner of elections within two days from the day on  
26 29 which the returns are canvassed by the state board of  
26 30 canvassers and, within the same time, serve a copy of the  
26 31 same, with a notice of the contest, on the incumbent in the  
26 32 manner provided by the rules of civil procedure for service of  
26 33 an original notice.

26 34 Sec. 66. Section 60.6, Code 2003, is amended to read as  
26 35 follows:

27 1 60.6 JUDGMENT.

27 2 The judgment of the court shall determine which of the  
27 3 parties to the action is entitled to hold the office and shall  
27 4 be authenticated by the presiding judge and clerk of the court  
27 5 and filed with the ~~secretary of state~~ commissioner of  
27 6 elections; and the judgment so rendered shall constitute a  
27 7 final determination of the title to the office, and a  
27 8 certificate of appointment shall be issued to the successful  
27 9 party.

27 10 Sec. 67. Section 61.2, Code 2003, is amended to read as  
27 11 follows:

27 12 61.2 CLERK.

27 13 The ~~secretary of state~~ commissioner of elections shall be  
27 14 the clerk of this court; but if the person holding that office  
27 15 is a party to the contest, the clerk of the supreme court, or,  
27 16 in case of that person's absence or inability, the auditor of  
27 17 state shall be clerk.

27 18 Sec. 68. Section 61.11, Code 2003, is amended to read as  
27 19 follows:

27 20 61.11 SUBPOENAS == DEPOSITIONS.

27 21 The ~~secretary of state~~ commissioner of elections, the  
27 22 several clerks of the supreme and district courts, under their  
27 23 respective seals of office, and either of the judges of the  
27 24 supreme or district courts, under their hands, may issue  
27 25 subpoenas for witnesses to attend this court; and disobedience  
27 26 to such process may be treated as a contempt. Depositions may  
27 27 also be taken as in the case of contested county elections.

27 28 Sec. 69. Section 68B.2, subsection 3, Code 2003, is  
27 29 amended to read as follows:

27 30 3. "Board" means the Iowa elections, ethics, and campaign  
27 31 disclosure board.  
27 32 Sec. 70. Section 68B.32A, Code 2003, is amended by adding  
27 33 the following new subsection:  
27 34 NEW SUBSECTION. 15. Perform all duties as required and  
27 35 directed by the state commissioner of elections as defined in  
28 1 section 47.7.

28 2 Sec. 71. Section 331.510, subsection 2, Code 2003, is  
28 3 amended to read as follows:

28 4 2. A report to the ~~secretary of state~~ commissioner of  
28 5 elections of the name, office, and term of office of each  
28 6 appointed or elected county officer within ten days of the  
28 7 officer's election or appointment and qualification.

28 8 Sec. 72. AMENDMENTS CHANGING TERMINOLOGY == DIRECTIVE TO  
28 9 CODE EDITOR. The Iowa Code editor is directed to strike the  
28 10 words "ethics and campaign disclosure board" and insert the  
28 11 words "elections, ethics, and campaign disclosure board"  
28 12 wherever the words "ethics and campaign disclosure board"  
28 13 appear in the Iowa Code, in any bills awaiting codification,  
28 14 and in any bills enacted by the Eightieth General Assembly,  
28 15 2003 Regular Session, unless a contrary intent is clearly  
28 16 evident.

28 17 DIVISION III  
28 18 ABSENTEE VOTING

28 19 Sec. 73. Section 53.2, unnumbered paragraph 1, Code 2003,  
28 20 is amended to read as follows:

28 21 Any registered voter, under the circumstances specified in  
28 22 section 53.1, may ~~on any day, except election day, and~~ not  
28 23 more than ~~seventy~~ forty-five days prior to the date of the  
28 24 election, apply in person for an absentee ballot at the  
28 25 commissioner's office or at any location designated by the  
28 26 commissioner, or make written application to the commissioner  
28 27 for an absentee ballot. Absentee ballot applications may only  
28 28 be distributed by the commissioner's office. Absentee ballot  
28 29 applications shall be distributed by the commissioner not more  
28 30 than forty-five days and not less than eleven days before the  
28 31 election.

28 32 PARAGRAPH DIVIDED. The state commissioner shall prescribe  
28 33 a form for absentee ballot applications. ~~However, if a~~  
28 34 ~~registered voter submits an application that includes all of~~  
28 35 ~~the information required in this section, the prescribed form~~  
29 1 ~~is not required.~~ The application shall include a statement  
29 2 that if the absentee ballot is not voted in person at the  
29 3 commissioner's office or at a satellite absentee voting  
29 4 station, the absentee ballot will be mailed to the voter not  
29 5 more than eleven days before the election. Absentee ballot  
29 6 applications may include instructions to send the application  
29 7 directly to the county commissioner of elections. However, no  
29 8 absentee ballot application shall be preaddressed or printed  
29 9 with instructions to send the applications to anyone other  
29 10 than the appropriate commissioner. An individual requesting  
29 11 more than one absentee ballot application may only request a  
29 12 number of applications equal to the number of registered  
29 13 voters in the individual's household.

29 14 Sec. 74. Section 53.8, subsection 1, Code 2003, is amended  
29 15 to read as follows:

29 16 1. Upon receipt of an application for an absentee ballot  
29 17 and ~~immediately after the absentee ballots are printed no more~~  
29 18 ~~than eleven days before the election,~~ the commissioner shall  
29 19 mail an absentee ballot to the applicant ~~within twenty-four~~  
29 20 ~~hours,~~ except as otherwise provided in subsection 3. The  
29 21 absentee ballot shall be enclosed in an unsealed envelope  
29 22 bearing a serial number and affidavit. The absentee ballot  
29 23 and unsealed envelope shall be enclosed in or with a carrier  
29 24 envelope marked postage paid which bears the same serial  
29 25 number as the unsealed envelope. The absentee ballot,  
29 26 unsealed envelope, and carrier envelope shall be enclosed in a  
29 27 third envelope to be sent to the registered voter. If the  
29 28 ballot cannot be folded so that all of the votes cast on the  
29 29 ballot will be hidden, the commissioner shall also enclose a  
29 30 secrecy envelope with the absentee ballot.

29 31 Sec. 75. Section 53.8, subsection 2, Code 2003, is amended  
29 32 to read as follows:

29 33 2. If an application is received so late that it is  
29 34 unlikely that the absentee ballot can be returned in time to  
29 35 be counted on election day, the commissioner shall enclose  
30 1 with the absentee ballot a statement to that effect. The  
30 2 statement shall also point out that it is possible for the  
30 3 applicant, or the applicant's designee if the absentee ballot  
30 4 is voted by a voter described in section 53.22, subsection 5,  
30 5 to personally deliver the completed absentee ballot to the

30 6 office of the commissioner at any time before the closing of  
30 7 the polls on election day.

30 8 Sec. 76. Section 53.17, subsection 1, Code 2003, is  
30 9 amended to read as follows:

30 10 1. The sealed carrier envelope may be delivered by the  
30 11 registered voter, or the voter's designee if the absentee  
30 12 ballot is voted by a voter described in section 53.22, to the  
30 13 commissioner's office no later than the time the polls are  
30 14 closed on election day.

30 15 Sec. 77. Section 53.17, subsection 2, Code 2003, is  
30 16 amended to read as follows:

30 17 2. The sealed carrier envelope may be mailed to the  
30 18 commissioner. ~~The carrier envelope shall indicate that~~  
30 19 ~~greater postage than ordinary first class mail may be~~  
30 20 ~~required. The commissioner shall pay any insufficient postage~~  
30 21 ~~due on a carrier envelope bearing ordinary first class postage~~  
30 22 ~~and accept the ballot.~~

#### 30 23 EXPLANATION

30 24 This bill makes changes to the law relating to elections  
30 25 and voter registration. Division I of the bill contains Iowa  
30 26 Code changes which, unless otherwise noted, are necessary to  
30 27 comply with requirements of Public Law No. 107-252, the  
30 28 federal Help America Vote Act of 2002. Division II of the  
30 29 bill transfers duties relating to the conduct of elections and  
30 30 voter registration from the office of secretary of state to  
30 31 the Iowa ethics and campaign disclosure board. Division III  
30 32 makes changes to the law relating to absentee voting.

30 33 DIVISION I == Code section 47.1 is amended to require the  
30 34 state commissioner of elections (secretary of state) to adopt,  
30 35 by rule, administrative complaint procedures for resolution of  
31 1 grievances relating to violations of those provisions of the  
31 2 Help America Vote Act relating to uniform and  
31 3 nondiscriminatory election technology and administration  
31 4 requirements.

31 5 Code section 47.7 is amended to require the state registrar  
31 6 of voters (secretary of state), on or before January 1, 2004,  
31 7 or on or before January 1, 2006, if a federal waiver is  
31 8 granted, to implement a centralized, computerized statewide  
31 9 voter registration system. The statewide system must be  
31 10 interactive with other agency computer databases in the state.

31 11 Code section 48A.36 is amended to conform to this requirement.  
31 12 Code section 48A.11, relating to information required when  
31 13 registering to vote, is amended to require that the first name  
31 14 and any family forename or surname be included when providing  
31 15 the registrant's name. That section is also amended to  
31 16 require that the registrant provide the registrant's Iowa  
31 17 driver's license number or, if not available, the last four  
31 18 numerals of the registrant's social security number. If the  
31 19 registrant does not have either an Iowa driver's license or  
31 20 social security number, the registrar is to assign the  
31 21 registrant an identification number for voter registration  
31 22 purposes. Code section 48A.11 is amended to specify that the  
31 23 requirement for the registrant's date of birth includes the  
31 24 month, date, and year of birth. The section is amended to  
31 25 require that the voter registration form ask the registrant if  
31 26 the registrant is a citizen of the United States and if the  
31 27 registrant will be 18 years old on or before election day.  
31 28 The form shall contain a statement that if the registrant  
31 29 answered "no" to either of those questions, the registrant is  
31 30 not to complete the registration form. Finally, Code section  
31 31 48A.11 is amended to add a new subsection providing that if  
31 32 certain required information is not provided on the  
31 33 registration form, the form shall not be processed and the  
31 34 registrar shall mail an acknowledgment to the registrant  
31 35 notifying the registrant that the registration could not be  
32 1 processed.

32 2 New Code section 48A.25A requires the state registrar of  
32 3 voters to verify the registrant's driver's license number or  
32 4 the last four digits of the registrant's social security  
32 5 number. If either number provided cannot be verified, the  
32 6 state registrar shall reject the registration application and  
32 7 the registrant shall be notified. If the information can be  
32 8 verified, the registrar is to make a record of the source used  
32 9 for verification.

32 10 Code section 48A.26, is amended to provide that if a voter  
32 11 registration form lacking required information is received  
32 12 during the 12 days before the close of registration, the  
32 13 commissioner shall provide the registrant with an opportunity  
32 14 to complete the form before the close of registration.

32 15 Code section 48A.28 is amended to change the time period  
32 16 from four consecutive calendar years to two or more

32 17 consecutive general elections under which a commissioner  
32 18 participating in the national change of address program is to  
32 19 notify a registered voter if the voter has not voted after  
32 20 registering or if the voter has not responded to a prior  
32 21 notice mailed by the commissioner.

32 22 Code section 48A.38 is amended to require that a voter's  
32 23 driver's license number be removed from a voter registration  
32 24 list prepared at the request of any person. Current law  
32 25 requires that the voter's social security number be removed.

32 26 Code section 49.68 is amended to require the state  
32 27 commissioner to prepare two separate sets of instructions to  
32 28 voters, rather than the current one. A second set is required  
32 29 which is to contain instructions on the manner of marking  
32 30 ballots only. The other set, which is to be known as the Iowa  
32 31 voter bill of rights, is to contain instructions required by  
32 32 current Code plus instructions on casting a provisional  
32 33 ballot, instructions for first-time voters who registered by  
32 34 mail, the appropriate official to contact if the voter  
32 35 believes the voter's rights relating to voting have been  
33 1 violated, polling place hours and the date of the election,  
33 2 and information on federal and state laws which prohibit fraud  
33 3 and misrepresentation related to voting. Code sections 49.70,  
33 4 49.71, and 52.16 are amended to conform to the new requirement  
33 5 that two separate sets of instructions be prepared.

33 6 Code section 49.73 is amended to change the time for  
33 7 closing precinct polling places from 9 p.m. to 8 p.m. for all  
33 8 elections. This change is not a requirement of the Help  
33 9 America Vote Act.

33 10 Code section 49.77 is amended to require that all voters  
33 11 show identification at the polls before being allowed to cast  
33 12 a ballot. If a voter is confirmed to be a registered voter of  
33 13 the precinct, but does not have the required identification,  
33 14 the voter is allowed to cast a provisional ballot. The  
33 15 identification required must be a current and valid photo  
33 16 identification card or must be one of the following documents  
33 17 showing the voter's name and current address:

- 33 18 1. Utility bill.
- 33 19 2. Bank statement.
- 33 20 3. Government check.
- 33 21 4. Other government document.

33 22 The Help America Vote Act requires that persons who register  
33 23 to vote by mail must show proof of identification when voting  
33 24 for the first time after registering.

33 25 Code sections 49.81, 50.20, and 50.21 are amended to change  
33 26 the term "special ballot" to "provisional ballot" which is the  
33 27 term used in the Help America Vote Act for a ballot cast by a  
33 28 challenged voter. Code section 49.81 is also amended to  
33 29 provide that when a challenged voter's ballot is not counted  
33 30 the commissioner, when notifying the voter, shall notify the  
33 31 voter by mail and shall inform the voter why the ballot was  
33 32 not counted.

33 33 Code section 52.1 is amended to remove lever voting  
33 34 machines as an acceptable voting machine in Iowa. Code  
33 35 sections 49.44, 52.9, 52.10, 52.12, 52.16, 52.17, 52.20,  
34 1 52.21, and 52.25 are amended to conform to this change. Code  
34 2 sections 49.35, 52.11, 52.14, and 52.22 are repealed to  
34 3 conform to this change.

34 4 Code section 52.2 is amended to provide that the state  
34 5 commissioner may provide voting equipment to a county that is  
34 6 required to replace its lever voting machines with a different  
34 7 type of voting machine or voting system.

34 8 Code section 52.16 is amended to require the election  
34 9 officials to print a report showing that the voter machine  
34 10 counter is set at zero immediately before the polls open to  
34 11 voters.

34 12 Code section 52.20 is amended to provide that if a voter  
34 13 leaves the voting booth without having cast the ballot the  
34 14 voter voted, the precinct election official shall cast the  
34 15 ballot.

34 16 Code section 52.21 is amended to provide that write-in  
34 17 votes cast for a person whose name appears on the ballot as a  
34 18 candidate for that office shall not be counted.

34 19 Code section 52.23 is amended to require that at least one  
34 20 additional copy of the printed canvass results from each  
34 21 voting machine shall be signed by the precinct election  
34 22 officials and delivered to the county commissioner.  
34 23 Currently, more than one additional copy is required to be  
34 24 delivered to the commissioner.

34 25 Code section 53.16 is amended to include the requirement  
34 26 that a photocopy of identification required when voting in  
34 27 person must be included with a voted absentee ballot. Code

34 28 section 53.31 is amended to provide that if required  
34 29 identification is not included with the absentee ballot, the  
34 30 ballot will be considered a provisional ballot.  
34 31 New Code section 53.37A requires the state commissioner of  
34 32 elections to provide information to members of the armed  
34 33 forces of the United States on voter registration and absentee  
34 34 ballot procedures. The section also requires the state  
34 35 commissioner to accept voter registration applications and  
35 1 absentee ballot applications from members of the armed forces  
35 2 and to forward the applications to the appropriate county  
35 3 commissioner of elections.  
35 4 Code section 53.40 is amended to extend the time period  
35 5 during which a commissioner is to mail absentee ballots to a  
35 6 member of the armed forces after receiving the member's  
35 7 initial application for an absentee ballot. The time period  
35 8 is extended from one calendar year after receipt of the  
35 9 application to the next two general elections after receipt of  
35 10 the application.  
35 11 Code section 53.53 is amended to provide that when the  
35 12 state commissioner receives a federal write-in ballot, the  
35 13 commissioner is to immediately forward it to the appropriate  
35 14 county commissioner of elections. If the ballot is received  
35 15 after election day but before noon on the Monday following the  
35 16 election, the state commissioner, rather than the county  
35 17 commissioner, is to verify that the ballot is eligible to be  
35 18 counted and shall notify the appropriate county commissioner  
35 19 and transmit the ballot. If the ballot is not to be counted,  
35 20 the county commissioner is required to notify the voter and  
35 21 give the reason why the ballot was not counted.  
35 22 The sections of the division enacting new Code section  
35 23 48A.25 and amending Code sections 48A.26, 48A.36, 49.68,  
35 24 49.70, and 49.71, and that portion of section 52.16 relating  
35 25 to voter instructions only, take effect January 1, 2004, or  
35 26 January 1, 2006, if a waiver is granted pursuant to the  
35 27 federal law. The remainder of the division takes effect upon  
35 28 enactment.  
35 29 DIVISION II == Division II of the bill transfers duties  
35 30 relating to conduct of elections and voter registration from  
35 31 the office of secretary of state to the Iowa ethics and  
35 32 campaign disclosure board. The ethics and campaign disclosure  
35 33 board is renamed the elections, ethics, and campaign  
35 34 disclosure board. Other related changes are provided to  
35 35 transfer election-related duties from the secretary of state  
36 1 to the state commissioner of elections.  
36 2 DIVISION III == Division III of the bill makes changes  
36 3 relating to absentee voting procedures, including request and  
36 4 delivery of absentee ballot applications, delivery of absentee  
36 5 ballots to the voter, and delivery of completed absentee  
36 6 ballots to the county commissioner of elections.  
36 7 The bill provides that an absentee ballot application may  
36 8 be requested no more than 45 days and no less than 11 days  
36 9 before the election, rather than the current 70 days before  
36 10 the election. The bill also provides that absentee ballot  
36 11 applications may only be distributed by the county  
36 12 commissioner's office. The bill strikes the provision that  
36 13 allowed a voter to submit an application other than the  
36 14 absentee ballot application prepared by the state commissioner  
36 15 of elections if the voter's application contained certain  
36 16 required information. The bill provides that an individual  
36 17 requesting more than one absentee ballot application may only  
36 18 request a number of applications equal to the number of  
36 19 registered voters in the individual's household. The bill  
36 20 also provides that the commissioner shall mail an absentee  
36 21 ballot to a voter no more than 11 days before the election.  
36 22 The bill provides that a sealed carrier envelope containing  
36 23 an absentee ballot may only be delivered to the county  
36 24 commissioner's office by the registered voter who completed  
36 25 the ballot or by the voter's designee if the voter is a  
36 26 confined person described in Code section 53.22.  
36 27 The bill provides that the carrier envelope delivered to  
36 28 the voter along with the absentee ballot and secrecy envelope  
36 29 shall be marked postage paid.  
36 30 LSB 2590XC 80  
36 31 sc/cl/14